

Optical Scan Voting System Bill

Senate Study Bill 3262

Last Action:

**Senate Appropriations
Committee**

March 5, 2008

An Act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE STUDY BILL 3262
OPTICAL SCAN VOTING SYSTEM BILL**

FUND CREATED

- Creates the Optical Scan Voting System Fund for the purchase and distribution of voting systems to counties. (Page 1, Line 1)

COUNTY REQUIREMENT

- Requires counties to purchase optical scan voting systems for elections held on or after November 4, 2008, and requires counties to comply with the federal Help America Vote Act (HAVA) requirements for disabled voters. (Page 1, Line 12)

RIIF APPROPRIATION

- Provides an FY 2008 supplemental appropriation of \$4.9 million from the Rebuild Iowa Infrastructure Fund (RIIF) to the Optical Scan Voting System Fund. (Page 1, Line 24)

TRANSFER OF FUNDS

- Transfers all funds from the Voting Machine Reimbursement Fund to the Optical Scan Voting System Fund. (Page 2, Line 6)

REQUIRED REPORT

- Requires the Secretary of State to submit a report to the Administration and Regulation Appropriations Subcommittee by December 31, 2008, regarding expenditures and purchase of equipment from the Optical Scan Voting System Fund. (Page 2, Line 14)

DEAPPROPRIATION

- Deappropriates a total of \$4.6 million from FY 2008 RIIF appropriations, including \$3.6 million for the purchase of a new State office building and \$1.0 million for a feasibility study for improvements to the Workforce Development Building. (Page 2, Line 20 and Page 3, Line 14)

REPEAL

- Repeals the Voting Machine Reimbursement Fund. (Page 3, Line 23)

RULE MAKING

- Permits the Secretary of State to adopt emergency rules relating to the provisions of this Bill. (Page 3, Line 24)

EFFECTIVE DATE

- Specifies that this Bill takes effect on enactment. (Page 3, Line 33)

LSB6548S

LSB6548S provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	1	1	Adds	Sec. 47.10	Optical Scan Voting System Fund
1	12	2	Amends	52.2(2), 2007 Code Supplement	Optical Scan Voting System Requirement
1	22	3	Repeals	Sec. 52.7(1)(I), 2007 Code Supplement	Voting Machine Construction Requirements
1	24	4	Nwthstnd	Sec. 8.57(6)(c)	Notwithstanding the Definition of Vertical Infrastructure
2	6	4.2	Nwthstnd	Sec. 47.9 and 8.33	Voting Machine Reimbursement Fund Transfer and Nonreversion of Funds
2	20	5	Amends	Sec. 5, Chapter 1179, 2006 Iowa Acts, as amended	Deappropriation of New Office Building Funds
3	14	6	Amends	Sec. 1.1(n), Chapter 219, 2007 Iowa Acts	Deappropriation of Workforce Development Building Funds
3	23	7	Repeals	Sec. 47.9, 2007 Code Supplement	Repeal of the Voting Machine Reimbursement Fund

1 1 Section 1. NEW SECTION . 47.10 OPTICAL SCAN VOTING SYSTEM
1 2 FUND.
1 3 An optical scan voting system fund is established in the
1 4 office of the treasurer of state under the control of the
1 5 secretary of state. Moneys in the fund are appropriated to
1 6 the office of the secretary of state for purchase and
1 7 distribution of optical scan voting system equipment to
1 8 counties to assist county compliance with section 52.2,
1 9 subsection 2. The secretary of state shall establish, by
1 10 administrative rule, a procedure for distributing the
1 11 equipment.

CODE: Creates the Optical Scan Voting System Fund for the purchase and distribution of voting systems to counties.

DETAIL: The total cost for replacing the voting systems and equipment in Iowa counties is estimated at \$8,654,765. This Bill provides a total of \$6,900,880 for deposit in the Optical Scan Voting System Fund, including an appropriation of \$4,900,880 from the Rebuild Iowa Infrastructure Fund (RIIF) and \$2,000,000 that will be transferred from the Voting Machine Reimbursement Fund. In addition, the Secretary of State will also use \$1,753,885 in available federal Help America Vote Act (HAVA) funds.

1 12 Sec. 2. Section 52.2, subsection 2, Code Supplement 2007,
1 13 is amended by striking the subsection and inserting in lieu
1 14 thereof the following:
1 15 2. Notwithstanding any provision to the contrary, for
1 16 elections held on or after November 4, 2008, a county shall
1 17 use an optical scan voting system only. The requirements of
1 18 the federal Help America Vote Act relating to disabled voters
1 19 shall be met by a county through the use of electronic ballot
1 20 marking devices that are compatible with an optical scan
1 21 voting system.

CODE: Requires counties to purchase optical scan voting systems for all elections held on or after November 4, 2008. Requires counties to comply with federal HAVA requirements concerning disabled voters.

1 22 Sec. 3. Section 52.7, subsection 1, paragraph I, Code
1 23 Supplement 2007, is amended by striking the paragraph.

CODE: Repeals a provision related to the use of voting machines that do not require a paper trail.

1 24 Sec. 4. OPTICAL SCAN VOTING SYSTEM FUND == APPROPRIATION.
1 25 There is appropriated from the rebuild Iowa infrastructure
1 26 fund to the office of the secretary of state for the fiscal
1 27 year beginning July 1, 2007, and ending June 30, 2008, the
1 28 following amount, or so much thereof as is necessary, to be
1 29 used for the purpose designated:
1 30 For deposit into the optical scan voting system fund, as
1 31 established in section 47.10, notwithstanding section 8.57,
1 32 subsection 6, paragraph "c":

CODE: Provides an FY 2008 supplemental appropriation from the Rebuild Iowa Infrastructure Fund (RIIF) to the Optical Scan Voting System Fund. This appropriation notwithstanding the definition of Vertical Infrastructure.

1 33 \$ 4,900,880

1 34 1. If any federal funding is received for the same or
 1 35 similar purposes authorized in section 47.10, as enacted by
 2 1 this Act, of the amount appropriated in this section, \$61,000
 2 2 is allocated for matching such federal funding, and an amount
 2 3 equal to the federal funding received shall revert from the
 2 4 amount appropriated to the rebuild Iowa infrastructure fund at
 2 5 the end of the fiscal year.

Allocates \$61,000 of the Optical Scan Voting System appropriation to be used as State match for any federal funds that may be received for the purchase of optical scan voting systems. Also, requires a reversion to the RIIF in an amount equal to the amount of federal funds received.

2 6 2. Notwithstanding section 47.9, as of the effective date
 2 7 of this Act, all remaining moneys in the voting machine
 2 8 reimbursement fund established in section 47.9 shall be
 2 9 transferred to the optical scan voting system fund established
 2 10 in section 47.10. Notwithstanding section 8.33, except as
 2 11 otherwise provided in subsection 1, the moneys appropriated
 2 12 and transferred in accordance with this section shall not
 2 13 revert to the fund from which appropriated or transferred.

CODE: Transfers all funds from the Voting Machine Reimbursement Fund to the Optical Scan Voting System Fund. This provision is effective on enactment.

DETAIL: The Voting Machine Reimbursement Fund received an appropriation of \$2,000,000 from the RIIF for FY 2008 to be used for the purchase of voting machines and equipment that would help counties comply with the State paper trail requirement enacted in SF 369 (Voting Machines Act).

2 14 3. On or before December 31, 2008, the secretary of state
 2 15 shall submit a report to the chairpersons and ranking members
 2 16 of the joint appropriations subcommittee on administration and
 2 17 regulation regarding the expenditures of moneys from the
 2 18 optical scan voting system fund and distribution of equipment
 2 19 to counties appropriated in this section.

Requires the Secretary of State to submit a report to the Administration and Regulation Appropriations Subcommittee by December 31, 2008, regarding expenditures and purchase of equipment from the Optical Scan Voting System Fund.

2 20 Sec. 5. 2006 Iowa Acts, chapter 1179, section 5, as
 2 21 amended by 2007 Iowa Acts, chapter 219, section 22, is amended
 2 22 to read as follows:
 2 23 SEC. 5. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is
 2 24 appropriated from the rebuild Iowa infrastructure fund to the
 2 25 department of administrative services for the designated
 2 26 fiscal years, the following amounts, or so much thereof as is
 2 27 necessary, to be used for the purposes designated:
 2 28 For planning, design, and construction costs associated

CODE: Deappropriates a \$3,600,000 RIIF appropriation for FY 2008 for the purchase of a new State office building.

2 29 with the construction of a new approximately
 2 30 350,000=gross=square=foot state office building, including
 2 31 costs associated with furnishings, employee relocation, and
 2 32 the demolition of the Wallace Building:

2 33 FY 2007=2008..... \$ ~~3,600,000~~

2 34 0

2 35 FY 2008=2009..... \$ 23,300,000

3 1 FY 2009=2010..... \$ 12,657,100

3 2 Notwithstanding section 8.33, moneys appropriated in this
 3 3 section shall not revert at the close of the fiscal year for
 3 4 which they were appropriated but shall remain available for
 3 5 the purposes designated until the close of the fiscal year
 3 6 that begins July 1, 2011, or until the project for which the
 3 7 appropriation was made is completed, whichever is earlier.

3 8 The design specifications of the new state office building
 3 9 shall include, at a minimum, energy efficiency specifications
 3 10 that exceed state building code requirements and have the
 3 11 potential for leadership in energy and environmental design
 3 12 silver certification from the United States green building
 3 13 council.

3 14 Sec. 6. 2007 Iowa Acts, chapter 219, section 1, subsection
 3 15 1, paragraph n, is amended to read as follows:

3 16 n. For costs associated with a feasibility study
 3 17 concerning asbestos abatement and related building renovation
 3 18 work at the Iowa workforce development building located at
 3 19 1000 E. Grand Avenue in Des Moines, notwithstanding section
 3 20 8.57, subsection 6, paragraph "c":
 3 21

3 21 \$ ~~1,000,000~~

3 22 0

3 23 Sec. 7. Section 47.9, Code Supplement 2007, is repealed.

CODE: Deappropriates a \$1,000,000 RIF appropriation for FY 2008 for a feasibility study for improvements to the Workforce Development Building.

CODE: Repeals the Voting Machine Reimbursement Fund.

DETAIL: Section 4.2 of this Bill transfers the proceeds in this Fund to the Optical Scan Voting System Fund.

3 24 Sec. 8. EMERGENCY RULES. The secretary of state may adopt

Permits the Secretary of State to adopt emergency rules relating to

3 25 emergency rules under section 17A.1, subsection 2, and section
3 26 17A.5, subsection 2, paragraph "b", to implement the
3 27 provisions of this Act relating to optical scan voting
3 28 systems, and the rules shall be effective immediately upon
3 29 filing unless a later date is specified in the rules. Any
3 30 rules adopted in accordance with this section shall also be
3 31 published as a notice of intended action as provided in
3 32 section 17A.4.

the provisions of this Bill.

3 33 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
3 34 immediate importance, takes effect upon enactment.

Specifies that this Bill takes effect on enactment.

3 35 EXPLANATION

4 1 This bill requires a county, for elections held on or after
4 2 November 4, 2008, to use an optical scan voting system only.
4 3 The bill repeals the voting machine reimbursement fund and
4 4 enacts new Code section 47.10 creating the optical scan voting
4 5 system fund. The bill also transfers any moneys in the voting
4 6 machine reimbursement fund on the effective date of the bill
4 7 to the optical scan voting system fund.
4 8 The bill appropriates \$4,900,880 from the rebuild Iowa
4 9 infrastructure fund (RIIF) for the fiscal year beginning July
4 10 1, 2007, and ending June 30, 2008, to the optical scan voting
4 11 system fund for purchase and distribution of optical scan
4 12 voting equipment. The bill also provides that if moneys are
4 13 received from the federal government for the same or a similar
4 14 purpose, an amount equal to the federal funding received shall
4 15 revert to RIIF at the end of the fiscal year.
4 16 The bill reduces FY 2007=2008 appropriations from RIIF to
4 17 the department of administrative services made in 2006 Iowa
4 18 Acts, chapter 1179, by \$3.6 million and in 2007 Iowa Acts,
4 19 chapter 219, by \$1 million.
4 20 The bill provides authority for the secretary of state to
4 21 adopt administrative rules for the bill's optical scan voting
4 22 system provision using emergency procedures which allow the
4 23 rules to be effective upon filing and forego initial public

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LSB6548S

Explanation

4 24 comment.

4 25 The bill takes effect upon enactment.

4 26 LSB 6548SV 82

4 27 sc/rj/8

Transportation, Infrastructure, and Capitals

Other Funds

	Estimated FY 2008	Supp-Senate Approp FY 2008	Est. Net FY 2008	Page and Line #
	(1)	(2)	(3)	(4)
<u>Secretary of State</u>				
Secretary of State				
Optical Scan Voting System Fund	\$ 0	\$ 4,900,880	\$ 4,900,880	PG 1 LN 24
Total Secretary of State	<u>\$ 0</u>	<u>\$ 4,900,880</u>	<u>\$ 4,900,880</u>	
<u>Administrative Services - Capitals</u>				
Administrative Services - Capitals				
New State Office Bldg-RIIF	3,600,000	-3,600,000	0	PG 2 LN 20
Workforce Bldg Asbestos-RIIF	\$ 1,000,000	\$ -1,000,000	\$ 0	PG 3 LN 14
Total Administrative Services - Capitals	<u>\$ 4,600,000</u>	<u>\$ -4,600,000</u>	<u>\$ 0</u>	
Total Transportation, Infrastructure, and Capitals	<u>\$ 4,600,000</u>	<u>\$ 300,880</u>	<u>\$ 4,900,880</u>	